

(English version)

**Question for written answer E-004756/25
to the Commission
Asger Christensen (Renew)
(2 December 2025)**

Subject: Water retention on Natura 2000 sites and sites protected under Section 3 of Denmark's Nature Conservation Act

The extreme rainfall events that have occurred in recent years — most recently the large-scale flooding in several places in Denmark, particularly in the area around Vejle — are a clear sign that flexible options are needed for temporary water retention to protect urban areas and critical infrastructure.

The Commission needs to explain how the current EU rules — including the Nature Directives, the Natura 2000 rules and the national rules under Section 3 of Denmark's Nature Conservation Act pursuant to Article 6 of the Habitats Directive — can be applied in practice in acute flooding situations where there may be a need to temporarily park or retain water on protected areas of countryside.

Can the Commission please answer the following questions:

1. Can the Commission state how EU nature conservation rules, including the Habitats Directive and the rules on Natura 2000 sites, can be applied in acute flooding situations where authorities might need to temporarily retain or park water on protected areas of countryside?
2. Under EU law, to what extent can Member States take temporary emergency and preventive measures in protected areas for reasons of proportionality or *force majeure* in order to prevent serious damage being done to people, property and infrastructure?
3. Is the Commission going to draw up further guidance for Member States to help them strike a better balance between climate-related risks, climate adaptation and their nature conservation obligations, including in situations where urgent action is needed?

Submitted: 2.12.2025

**Answer given by Ms Roswall on behalf of the European Commission
(5 February 2026)**

While the Habitats Directive ⁽¹⁾ does not contain any explicit provisions covering emergency situations, the Court of Justice of the EU has ruled ⁽²⁾ that emergency measures can take place without a prior appropriate assessment in certain circumstance in or near a Natura 2000 site if a current or imminent risk necessitates immediate implementation of these measures.

While this ruling is limited in scope to emergency measures aimed at preventing damage from forest fires to the sites, the Commission considers that a similar approach can be applied for preventing threats to human health and public safety, provided that all the necessary measures are taken thereafter to remedy any significant damage to the site from these emergency measures ⁽³⁾.

Such approach would also be consistent with another ruling of the Court in which it was held that overriding considerations could justify maintaining the effects of national measures adopted in breach of the Habitats Directive if there would otherwise be a genuine and serious risk, which in that case related to disruption of electricity supply ⁽⁴⁾.

The Commission underlines however that adequate and nature-based prevention measures can reduce the need for emergency measures.

The Water Resilience Strategy ⁽⁵⁾ points to relevant initiatives to improve water retention as part of efforts to restore and protect the water cycle, including the development of a 'Sponge Facility', providing a coherent framework for new and existing initiatives to increase water retention on land ⁽⁶⁾.

⁽¹⁾ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, pp. 7-50.

⁽²⁾ Case C-434/22, paras. 68-70, https://infocuria.curia.europa.eu/tabs/affair?sort=AFF_NUM-DESC&searchTerm=%22C-434%2F22%22.

⁽³⁾ Case C-434/22.

⁽⁴⁾ Case C-411/17, paragraphs 178-179, https://infocuria.curia.europa.eu/tabs/affair?sort=AFF_NUM-DESC&searchTerm=C-411%2F17.

⁽⁵⁾ https://commission.europa.eu/topics/environment/water-resilience-strategy_en.

⁽⁶⁾ Commission Communication COM(2025) 280 final, 4 June 2025, in particular page 5, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52025DC0280>

The Commission is currently preparing specific guidance on Natura 2000 and climate change which will further clarify the legal requirements and the potential contribution of Natura 2000 to climate change adaptation and mitigation ⁽⁷⁾.

⁽⁷⁾ The guidance will also clarify how to deal with emergency situations related to climate change, such as forest fires, or floods.